TEXAS BOARD OF ARCHITECTURAL EXAMINERS Minutes of May 26, 2016 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street
Tower III, Conference Room 102
Austin, TX 78701
9:00 a.m. until completion of business

AGENDA ITEMS

DESCRIPTIONS

1A.

Ms. Dockery called the meeting to order at 9:05 a.m.

Call to Order

1B.

Ms. Miller called the roll.

Roll Call

Present Board Members

Debra Dockery Chair

Sonya Odell Vice-Chair, Registered Interior Designer
Paula Ann Miller Secretary-Treasurer, Public Member

Charles (Chuck) Anastos Architect

Chase Bearden Public Member – arrived @ 9:20 a.m.

Michael (Chad) Davis)

Landscape Architect

Jennifer Walker Architect
Robert (Bob) Wetmore Architect
Anthony Giuliani Public Member

1C.

1D.

None.

Excused and Unexcused

absences

A quorum was present.

Determination of a

Quorum

1E. Recognition of Guests

Ms. Dockery acknowledged the following members of the guests and TBAE Staff: David Lancaster, Senior Advocate for Texas Society of Architects –

arrived at 9:06 a.m.; Donna Vining, Executive Director for Texas

Association for Interior Design, Glenn Garry, Communications Manager; Glenda Best, Operations Manager; Christine Brister, HR Program Specialist; Kenneth Liles, Finance Manager; Jack Stamps, Managing Investigator; Dale Dornfeld, IT Manager; Mike Alvarado, Registration Manager; Katherine Crain, Legal Assistant, and Julio Martinez, Network Specialist — arrived at

11:40 a.m.

1F.

Chair's Opening Remarks

Ms. Dockery welcomed the new public member, Anthony Giuliani and gave a brief presentation of his biographical information. Ms. Dockery presented TBAE pins to the new members of the Board. She stated that the Board has a full agenda and will need to focus on the business at hand to effectively and efficiently complete all of the agenda items.

1G.

Public Comments

None.

2.
Approval of February
25, 2016 Board Meeting
Minutes

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO APPROVE THE FEBRUARY 25, 2016 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. Executive Director's Report

A.
Summary of Executive
Accomplishments

Ms. Hildebrand gave her report to the Board and stated that she provides monthly email updates to the Board so the following items are just highlights that had been completed since the last Board meeting:

- 1. Conducted Environmental Scan; prepared the Strategic Planning Workshop and prepared the first draft of the Strategic Plan for approval by the full Board;
- 2. Completed Customer Service Survey and analyzed results;
- 3. Prepared and submitted the Quarterly SDSI Report.

Ms. Hildebrand congratulated Christine Brister on receiving her certification as an HR Professional from the Society of Human Resource Professionals. Her work and additional knowledge will help our agency ensure that we are compliant.

B.
Operating
Budget/Scholarship:
Presentation on 2nd
quarter 2016
expenditures/revenues

Ms. Hildebrand gave a brief overview of the budget for the first half of the year. She stated that revenues were at 66%; however, she anticipated an increase of revenue for the next three (3) months. She discussed payroll related costs, staff and board travel and the scholarship fund. Furthermore, she stated that the overview of the budget would be done during the budget workshop scheduled for later in the day.

C.
Report on Conferences and Meetings

Ms. Hildebrand provided a report on the following conferences and meetings:

- I. NCARB Member MBE Workshop/Regional Summit-March 10-12;
- II. 2016 Texas ASLA Annual Conference April 28-29

Mr. Garry and Ms. Hildebrand attended and gave a presentation at the ASLA Conference.

D.
Report on Upcoming
Conferences and
Meetings

Ms. Hildebrand provided a report on the following upcoming conferences and meetings:

- I. NCARB Annual Business Meeting-June 16-18
- II. Executive Leadership Program for Regulators July 25-28
- III. Building Officials Association of Texas August 2-5
- IV. METROCON 16 Expo and Conference August 11-12

Ms. Hildebrand gave an overview of the upcoming changes at NCARB and explained that the IDP program will become the AXP program (also known as the "Architectural Experience Program") this summer. She provided additional details regarding other changes at NCARB. Also, stated that she

will be serving on their Procedures and Documents Committee which will be advantageous to this Board because it will allow this Board to view the resolutions in advance. Any changes to the resolutions are reviewed by the Procedures and Documents Committee.

She gave a summary of the registration trends. Second, she presented the 2016 budget and discussed specific items of the budget. She presented the Scholarship fund and stated that the agency started the year at \$99,000 and are now at \$78,000.

Additionally, she gave a brief presentation of conferences and meetings that she, staff and other Board members have attended since the last Board meeting. She also gave details on upcoming meetings and the staff that would be attending these meetings.

Ms. Dockery gave kudos to Jack Stamps for his presentation on outreach to the building officials at the NCARB Regional Meeting in Savannah. She thought the presentation was very good and well received.

4. Approval of the 20172021 Strategic Plan

Ms. Hildebrand directed the Board to page 19 and explained that the format is completely different than what it was in the past and the items listed as 1-5 are the guidance that the agency received from the Governor's office. Instead of describing the goals, they requested that this information be provided in a table format and that it be succinct. The new Strategic Plan is less about theories of the goals and more about what the agency is going to do in the future. She presented the Board with the new version of the Mission and requested their input. Mr. Davis stated that she did a great job on rewriting the Mission. Ms. Hildebrand proceeded to go over the full Strategic Plan with the Board and explained the differences between this Strategic Plan and the previous plan. The Board had multiple questions for the Executive Director. Ms. Dockery suggested that the item relating to ethics under External and Internal Trends be clarified to relate specifically to continuing education. Mr. Anastos requested that licensing goal number two be revised to clarify the purpose to protect the public health and safety. Further discussion recommended that item number three for enforcement goals be amended to indicate the Board's pursuit of compliance against registrants and non-registrants. Additionally, the Board recommended that, for purposes of responding to the governor's request for feedback on redundancies and impediments, the issues regarding the \$510,000 payment to general revenue and the threshold issue should be referred to the legislative committee with authority to change the strategic plan prior to submission.

A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO APPROVE THE 2017-2021 STRATEGIC PLAN AS SUBMITTED.

Mr. Davis added a friendly amendment to include the provisions and redundancies and impediments to address the trends of financial impacts of statutory changes. Ms. Dockery requested that he clarify his request as to whether it was just a request or an amendment to the motion. Mr. Davis stated that it was a friendly amendment. Mr. Anastos seconded the friendly amendment. After further discussion, Mr. Davis withdrew his friendly amendment and Mr. Anastos retracted his original motion.

A MOTION WAS MADE AND SECONDED (Anastos/Miller) TO APPROVE THE 2017-2021 STRATEGIC PLANS WITH THOSE ITEMS AGREED UPON AND ADDED TODAY AND WITH A SUBSEQUENT ITEM OR ITEMS ADDED AFTER OUR STAFF REVIEW AND LEGISLATIVE COMMITTEE MEETING BETWEEN NOW AND JUNE 15TH. THE MOTION PASSED UNANIMOUSLY.

The Board took a break at 10:13 a.m. and reconvened at 10:33 a.m.

5. Executive Director Performance Evaluation Process

Ms. Dockery stated that it was time for the Board to do a performance evaluation on Julie Hildebrand's first year as Executive Director. The committee members for the Executive Director's Performance Evaluation Process were Chase Bearden, Paula Ann Miller and Sonya Odell as Chair.

Ms. Odell gave a presentation of the Committee's work to the Board and informed them that the evaluation form would be provided to the Board members by Mr. Brenton by June 1st, with the responses due back to Mr. Brenton by June 30th. The Board will discuss the matter in closed session at the August meeting.

A MOTION WAS MADE AND SECONDED (Bearden/Wetmore) TO APPROVE THE PROCESS DESCRIBED BY THE CHAIR OF THE EXECUTIVE DIRECTOR'S PERFORMANCE EVALUATION COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

6. General Counsel Report

Mr. Brenton directed the Board to page 24 gave the following report on the proposed amendments for adoption, draft amendments for proposal and discussion of issues relating to recusal of Board members.

6A. Proposed Amendments for Adoption

I. Regarding eligibility for architectural registration by reciprocity, relating to educational requirements. Rule 1.22.

Mr. Brenton presented information on the proposed rule as described on page 24 of the Board materials, including the comments on the proposed rule, and Staff's recommendation to withdraw the previous rulemaking action, and to propose the alternative rule on page 26.

A MOTION WAS MADE TO WITHDRAW (Davis/Walker) THE PREVIOUSLY PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §1.22, AND MOVE TO APPROVE THE ALTERNATE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE

§1.22 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY THE RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

II. Regarding eligibility for architectural registration by examination relating to NCARB's overhaul of the intern development program. Rules 1.5, 1.191, and 1.192.

Mr. Brenton presented information on the proposed rule as described on page 39 of the Board materials.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ADOPT THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§1.5, 1.191 AND 1.192 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

6B. Draft Amendments for Proposal

Regarding administrative penalties, warnings, and other sanctions. Rules 1.174, 3.174, 5.184, 1.177, 3.177, 5.187, 1.232, 3.232, and 5.242.

Mr. Brenton presented information on the proposed rule as described on page 48 of the Board materials.

A MOTION WAS MADE AND SECONDED (Davis/Bearden) TO APPROVE THE PROPOSED DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §1.174, 3.174, 5.184, 1.177, 3.177, 5.187, 1.232, 3.232, and 5.242, FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

C. Discussion Item

Discussion of Issues Relating to Recusal of Board Members Mr. Brenton provided the Board with a copy of Section 572.058 of the Government Code, relating to recusals, and explained the details of the statute. After a lengthy discussion amongst the Board members and the General Counsel, the Board requested that the General Counsel draft a policy for the agency on recusals.

7. Enforcement Cases A. Registrant/Non-Registrant Case

Review and possibly adopt Executive Director's recommendation in the following enforcement cases:

Cosco, Renee Love (#046-16I)

Mr. Brenton presented a summary of this matter as described on page 94 of the Board materials.

A MOTION WAS MADE AND SECONDED (Odell/Anastos) TO ACCEPT STAFF'S RECOMMENDATION OF A \$500 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

Goleski, Michael Paul (#005-16N)

Mr. Brenton presented a summary of this matter as described on page 95 of the Board materials.

A MOTION WAS MADE AND SECONDED (Davis/Wetmore) TO ACCEPT STAFF'S RECOMMENDATION OF A \$2,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

Gustin, Wesley (#104-15A)

Mr. Brenton presented a summary of this matter as described on page 96 of the Board materials.

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO ACCEPT STAFF'S RECOMMENDATION OF A \$10,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

Haness, Richard O. (115-15A)

Mr. Brenton presented a summary of this matter as described on page 98 of the Board materials.

The Board discussed the case and declined to adopt Staff's recommendation. Rather, the Board directed staff to include the additional stipulation of mandatory attendance at the TDLR Accessibility Academy in addition to the \$6,000 administrative penalty.

Mr. Brenton said he would contact the Respondent regarding the additional stipulation and present the matter at the next Board meeting.

A MOTION WAS MADE AND SECONDED (Bearden/Anastos) TO ACCEPT STAFF'S RECOMMENDATION OF A \$6,000 ADMINISTRATIVE PENALTY. AFTER A DISCUSSION BY THE BOARD, MR. BEARDEN AND MR. ANASTOS WITHDREW THEIR MOTION.

Nnadozie, Emmanuel Ogbonna (#130-14A)

Mr. Brenton presented a summary of this matter as described on page 100 of the Board materials.

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO ACCEPT STAFF'S RECOMMENDATION OF \$2,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

Sanchez, Paul Anthony (#105-13I)

Mr. Brenton presented a summary of this matter as described on page 101 of the Board materials.

Ms. Dockery recused herself from voting on the case. Ms. Odell became acting chair and presented the matter to the Board members for a vote.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ACCEPT STAFF'S RECOMMENDATION OF \$15,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

B. CE Cases

Mr. Brenton stated that the Board would hear the next 11 cases and vote on them together as follows:

Asakura, Keiji (#051-16L)
Denny, Lindsey Jacqueline (#026-16I)
Elkins, Leslie Keith (#041-16I)
Field, William Scott (#093-14A)
Gonzalez, Robert Alexander (#067-16A)
Greenwood, Thomas A. (#061-16I)
Jones, Robert Todd (#027-16L)
Lee, John W. (#062-16A)
McFadin, Charlotte Celia (#050-16I)
Ng, Leng-Wa (#042-16A)
Ruggiero, Peter Michael (#052-16A)

Ms. Dockery took over the Chair from Ms. Odell. Mr. Giuliani recused himself from voting on the case involving Robert Alexander Gonzalez.

A MOTION WAS MADE AND SECONDED (Anastos/Walker) TO ADOPT STAFF'S RECOMMENDATION AND PENALTIES TO APPROVE ALL OF THE CASES LISTED ON THE AGENDA UNDER CE CASES WITH THE EXCEPTION OF THE CASE INVOLVING ROBERT ALEXANDER GONZALEZ. THE MOTION PASSED UNANIMOUSLY.

The Board heard the case involving Robert Alexander Gonzalez.

A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO ADOPT STAFF'S RECOMMENDATION AND PENALTY ON THE CASE INVOLVING ROBERT ALEXANDER GONZALEZ. THE MOTION PASSED UNANIMOUSLY.

A. Voluntary Surrender

Loessberg, Antoinette (#003-16I)

Mr. Brenton explained to the Board that Respondent was on delinquent status and had a continuing education case pending against her. The Respondent requested to surrender her interior design registration in lieu of discipline. Ms. Dockery recused herself from voting on this case. Ms. Odell took over as Chair.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ACCEPT THE **VOLUNTARY SURRENDER OF ANTOINETTE LOESSBERG. THE MOTION** PASSED UNANIMOUSLY.

The Board broke for lunch at 12:15 and reconvened at 1:01 p.m.

8. **Review on NCARB Resolutions and Delegation of Voting** The Chair stated that the Board would vote on the following resolutions for NCARB. She stated that the Rules Committee reviewed all of the resolutions and were in favor of all of them.

Authority to be Acted Upon at the NCARB 2016 Annual Meeting

A MOTION WAS MADE AND SECONDED (Anastos/Wetmore) TO DELEGATE THE AUTHORITY TO ALLOW THE CHAIR TO VOTE ON BEHALF OF THE BOARD FOR THE FOLLOWING NCARB RESOLUTIONS. THE MOTION PASSED UNANIMOUSLY.

8A. Resolution 2016-01 Mutual Recognition Arrangement with Australia and New Zealand A MOTION WAS MADE AND SECONDED (Bearden/Davis) TO APPROVE NCARB RESOLUTION 2016-01. THE MOTION PASSED UNANIMOUSLY.

8B. Resolution of 2016-02 Certification Guidelines Amendment – Revision of the Alternatives to the **Education Requirements for Certification**

David Lancaster stated that the Texas Society of Architects was not in favor of this resolution. The Board discussed the resolution at length. A MOTION WAS MADE AND SECONDED (Davis/Odell) TO APPROVE NCARB RESOLUTION 2016-02. THE MOTION PASSED UNANIMOUSLY.

8C. Resolution of 2016-03 Certification Guidelines Amendment – Exam Equivalency for ARE 5.0 A MOTION WAS MADE AND SECONDED (Davis/Odell) TO APPROVE NCARB RESOLUTION 2016-03. THE MOTION PASSED UNANIMOUSLY.

8D. Resolution of 2016-04 Certification Guidelines Amendment – Five-Year Rolling Clock and Rolling **Clock Extension Policy Updates**

A MOTION WAS MADE AND SECONDED (Odell/Davis) TO APPROVE NCARB RESOLUTION 2016-04. THE MOTION PASSED UNANIMOUSLY.

8E. Resolution 2016-05 NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option

David Lancaster stated that the Texas Society of Architects was uneasy about changing Texas model law to accommodate this resolution.

A MOTION WAS MADE AND SECONDED (Anastos/Miller) TO APPROVE NCARB RESOLUTION 2016-05. THE MOTION PASSED UNANIMOUSLY.

8F.

Resolution 2016-06

NCARB Legislative Guidelines and Model Law/Model Regulations

Amendment – Addition of Architect Emeritus Status

A MOTION WAS MADE AND SECONDED (Davis/Bearden) TO APPROVE NCARB RESOLUTION 2016-06. THE MOTION PASSED UNANIMOUSLY.

8G.

Resolution 2016-07

NCARB Legislative Guidelines and Model Law/Model Regulations

Amendment – Reference to Military Trained Applicants

A MOTION WAS MADE AND SECONDED (Wetmore/Bearden) TO APPROVE NCARB RESOLUTION 2016-07. THE MOTION PASSED UNANIMOUSLY.

8H.

Resolution 2016-08

Resolution 2016-09

NCARB Legislative Guidelines and Model Law/Model Regulations and Certification Guidelines Amendment – Updating the Name of the Intern Development Program

NCARB Bylaws Amendment - Updating Name of Internship Committee

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE NCARB RESOLUTION 2016-08 AND NCARB RESOLUTION 2016-09. THE MOTION PASSED UNANIMOUSLY.

8J.

Resolution 2016-10

 ${\it Certification \ Guidelines} \ {\it Amendment-Approval \ of \ Changes \ to \ Program}$

Requirements for the Intern Development Program

It was noted that the Rules Committee supported this resolution, but

NCARB did not support it.

A MOTION WAS MADE AND SECONDED (Bearden/Davis) TO APPROVE NCARB RESOLUTION 2016-10. THE MOTION PASSED UNANIMOUSLY.

9.
Budget Development
for FY17 and Discussion
of Internal Budget
Policies

Ms. Hildebrand directed the Board to page 198 of the notebooks and presented the Staff's first draft of the budget. She explained that previously the Board would hear the presentation at the August meeting and the final vote would be taken at that time. However, there are a number of budget issues over the next few years so she thought it would be prudent to have the Board review the information at this meeting in order to get their input. She stated that the budget process will include development of next year's budget plus a long-range planning forecast for an additional six (6) years for a total seven-year outlook. This year's budget development will include planning for FY17 through FY23.

This year the Senate Finance Committee has requested that all state agencies review and scrutinize each and every expenditure within the agency using a zero-based budget approach. In this approach, every line item must be scrutinized, rather than just the changes from the previous year. Staff will present a base/current budget an enhanced budget along with the performance results of each version of the budget.

The primary issues discussed regarding the budget were trends in registration numbers and the effect on revenues for the agency; raising registration fees; travel related costs; salaries and the need to hire another investigator; the policy regarding the reserve fund; and the prospect of raising fees for the scholarship fund.

A MOTION WAS MADE AND SECONDED (Miller/Anastos) REGARDING THE POLICY ON THE RESERVE FUND SHOULD BE MOVED FROM 6 MONTHS TO 8 MONTHS. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Miller/Anastos) TO HIRE ANOTHER INVESTIGATOR. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO APPROVE THE POLICY ON THE RESERVE FUND AS SUBMITTED ON THE UTILIZATION ON THE FUND BALANCE AND HAVE THAT AS AN ONGOING REVIEW. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Anastos/Wetmore) TO DIRECT STAFF TO ADD \$3.00 TO ALL ARCHITECTS FEES AS SOON AS IT CAN BE INITIATED. THE MOTION PASSED UNANIMOUSLY.

10.

Upcoming Board Meeting

Wednesday, August 17, 2016 - Full Board

There was discussion amongst the Board members to have a ½ day Rules

Committee meeting in addition to a full board meeting.

11.

Chair's Closing Remarks

12.

Adjournment

Ms. Dockery thanked everyone for their input at the meeting.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ADJOURN THE

MEETING AT 2:50 P.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:

DEBRA J. DOCKERY, AIA

Chair, Texas Board of Architectural Examiners

Summary of Executive Accomplishments August 17, 2016

Executive

- Finalized and submitted Strategic Plan and Customer Service Survey.
- Prepared and submitted the Quarterly SDSI Report.
- The newsletter was completed and published. I received several complements on the issue and my column was reprinted in the Building Officials Association of Texas' newsletter. Tony's CE column received good reviews too.
- Please see my monthly Executive Director Updates for more details.

NCARB

- Several board members and I attended the NCARB Annual Board Business Meeting. A summary of the adopted resolutions is attached.
- NCARB by the Numbers for 2015 shows an all-time high for licensure candidates, indicating a strong licensure pool for architects. The report can be found on NCARB's website at http://www.ncarb.org/About-NCARB/NCARB-by-the-Numbers.aspx
- The ARE 5.0 will launch November 1, 2016. Additional information can be found on NCARB's website at http://www.ncarb.org/ARE/ARE5.aspx